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JUN 13 2007

U.S. Serial No. 09/761,203
Response to the Office action of March 13, 2007**Remarks**

Claims 1-35 are pending and at issue in the above identified patent application. Of the claims at issue, claims 1, 27, and 32 are independent. In view of the following remarks, reconsideration of the application is respectfully requested.

Independent claims 1, 27, and 32 were rejected as anticipated by Kikuchi (US 6,577,811). Each of claims 1, 27, and 32 recites an out of disk alert user setting. As discussed with during the examiner interview held on April 17, 2007, Kikuchi does not describe or suggest an out of disk alert user setting.

Kikuchi is directed to a recorded content protection scheme for a digital recording/reproducing system. Kikuchi describes displaying a warning message to users of the digital recording/reproducing system when the amount of remaining recording disc space is low (see for example FIG. 58). However, Kikuchi and the Office action indicate that this warning message is based on a predetermined value (Office action page 2, line 18 and Kikuchi col. 3, lines 28-39). During the examiner interview it was agreed that a user warning regarding disk space is not the same thing as a disk alert user setting. For example, a user setting allows a user to specify the amount of remaining disc space that should trigger a warning.

It is well established that the prior art must at least teach or suggest each of the claim elements to establish a *prima facie* case of obviousness. See *In re Oetiker*, 24 USPQ. 2d 1443, 1446 (Fed. Cir. 1992); *Ex parte Clapp*, 227 USPQ. 972, 973 (Bd. Pat. App. 1985); *In re Royka*, 490 F.2d 981 (CCPA 1974) and M.P.E.P. § 2143. Thus, based on the deficiencies of Kikuchi, it follows that a *prima facie* case of obviousness has not been made. Accordingly, for at least the forgoing reasons, claims 1, 27, and 32 and all claims depending therefrom are in condition for allowance.

Reconsideration of the application and allowance thereof are respectfully requested. If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

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Respectfully submitted,



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Dated: June 13, 2007

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